

DAW

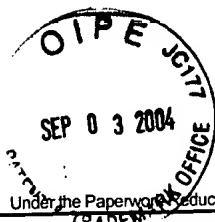
PTO/SB/21 (02-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/909,363
		Filing Date	July 19, 2001
		First Named Inventor	Andrew L. FELDHAUS
		Art Unit	1648
		Examiner Name	M. Mosher
Total Number of Pages in This Submission	13 + 41 Refs.	Attorney Docket Number	226272003802

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page in duplicate)  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement (4 pages)  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 (3 pages in duplicate) 2. References (41) 3. Return receipt postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Jie Zhou - 52,395
Signature	
Date	August 26, 2004

CERTIFICATE OF HAND DELIVERY	
I hereby certify that this correspondence is being hand delivered to the Commissioner for Patents, U.S. Patent and Trademark Office, 220 20 <sup>th</sup> Street South, Customer Window, Mail Stop Amendment, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202, on the date shown below.	
Dated: September 3, 2004	Signature:  (Shari Hall-White)



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

## Complete if Known

Application Number	09/909,363
Filing Date	July 19, 2001
First Named Inventor	Andrew L. FELDHAUS
Examiner Name	M. Mosher
Art Unit	1648
Attorney Docket No.	226272003802

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
86	-86** = 0	9.00	0.00
6	-6** = 0	43.00	0.00
Multiple Dependent		145.00	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

## SUBMITTED BY

Name (Print/Type) Jie Zhou

Registration No. (Attorney/Agent)

52,395

Telephone (650) 813-5922

Signature

Date August 26, 2004



PATENT  
Docket No. 226272003802

**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this correspondence is being hand delivered to the Commissioner for Patents, U.S. Patent and Trademark Office, 220 20<sup>TH</sup> Street South, Customer Window, Mail Stop Amendment, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202 on the date shown below:

Dated:

September 3, 2004

Signature:

Shari Hall-White

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew L. FELDHAUS

Serial No.: 09/909,363

Filing Date: July 19, 2001

For: TRANSCRIPTIONALLY-ACTIVATED  
AAV INVERTED TERMINAL  
REPEATS (ITRS) FOR USE WITH  
RECOMBINANT AAV VECTORS

Examiner: M. Mosher

Group Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, Mail Stop Amendment  
Crystal Plaza Two, Lobby,  
Room 1B03  
Arlington, VA 22202

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

09/07/2004 HVUONG1 00000006 031952 09909363

01 FC:1806 180.00 DA

pa-907847

Applicant brings to the attention of the Examiner documents numbered 1-12, 54 and 55 on the attached PTO Form-1449 copies of which are not being submitted herewith. These documents are co-pending related applications and are listed below:

Application Serial No. 09/561,190 filed April 27, 2000, by D.H. Lockert et al.,

Application Serial No. 09/578,561 filed May 25, 2000, by S. Rasty et al.,

Application Serial No. 09/665,852 filed September 20, 2000 by J.M. Wilson et al.,

Application Serial No. 09/684,554 filed October 6, 2000 by J.F. Engelhardt et al.,

Application Serial No. 09/689,136 filed October 12, 2000 by J.F. Engelhardt et al.,

Application Serial No. 09/689,430 filed October 12, 2000 by C.E. Walsh et al.,

Application Serial No. 10/089,394 filed March 29, 2002 by H. Chen et al.,

Application Serial No. 10/375,777 filed February 26, 2003 by P.R. Johnson,

Application Serial No. 10/615,119 filed July 7, 2003 by C.M. Lynch et al.

Application Serial No. 10/815,262 filed March 31, 2004 by J.F. Engelhardt et al.,

Application Serial No. 10/815,557 filed March 31, 2004 by J.F. Engelhardt et al.,

Application Serial No. 10/837,029 filed April 30, 2004 by J.F. Engelhardt et al.,

PCT Application Serial No. PCT/US2004/009950 filed March 31, 2004 by J.F.

Engelhardt et al., and

PCT Application Serial No. PCT/US2004/010045 filed March 31, 2004 by J.F.

Engelhardt et al.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

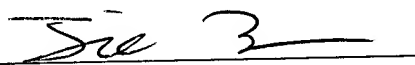
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 226272003802. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 26, 2004

Respectfully submitted,

By: \_\_\_\_\_

  
Jie Zhou  
Registration No. 52,395

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Palo Alto, California 94304-1018  
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Facsimile: (650) 494-0792

<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 226272003802	Application Number 09/909,363
	Applicant Andrew L. FELDHAUS	
	Filing Date July 19, 2001	Group Art Unit 1648
	Hand Delivered on September 3, 2004	

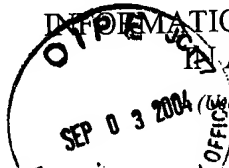
## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/27/2000	09/561,190	Lockert et al.			
	2.	05/25/2000	09/578,561	Rasty et al.			
	3.	09/20/2000	09/665,852	Wilson et al.			
	4.	10/06/2000	09/684,554	Engelhardt et al.			
	5.	10/12/2000	09/689,136	Engelhardt et al.			
	6.	10/12/2000	09/689,430	Walsh et al.			
	7.	03/29/2002	10/089,394	Chen et al.			
	8.	02/26/2003	10/375,777	Johnson			
	9.	07/07/2003	10/615,119	Lynch et al.			
	10.	03/31/2004	10/815,262	Engelhardt et al.			
	11.	03/31/2004	10/815,557	Engelhardt et al.			
	12.	04/30/2004	10/837,029	Engelhardt et al.			
	13.	09/12/2002	2002/0127582	Atkinson et al.			
	14.	10/31/2002	2002/0160501	Atkinson et al.			
	15.	12/26/2002	2002/0197237	Engelhardt et al.			
	16.	06/05/2003	2003/0103939	Engelhardt et al.			
	17.	06/05/2003	2003/0103942	Burstein et al.			
	18.	06/19/2003	2003/0113295	Burstein et al.			
	19.	06/26/2003	2003/0119191	Gao et al.			
	20.	09/18/2003	2003/0175974	Allen			
	21.	11/27/2003	2003/0219735	Carter			
	22.	03/18/2004	2004/0052764	Hildinger et al.			
	23.	03/25/2004	2004/0057931	Wilson et al.			
	24.	03/25/2004	2004/0057932	Wilson et al.			
	25.	03/25/2004	2004/0057933	Wilson et al.			
	26.	04/01/2004	2004/0062752	Walsh et al.			
	27.	07/10/2001	6,258,595	Gao et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary) 	Docket Number 226272003802	Application Number 09/909,363
	Applicant Andrew L. FELDHAUS	
	Filing Date July 19, 2001	Group Art Unit 1648
	Hand Delivered on September 3, 2004	

28.	06/04/2002	6,399,385	Croyle et al.			
29.	08/20/2002	6,436,392	Engelhardt et al.			
30.	11/26/2002	6,485,966	Gao et al.			
31.	03/25/2003	6,537,540	Burstein et al.			
32.	04/01/2003	6,541,258	Allen et al.			
33.	07/22/2003	6,596,535	Carter			
34.	11/04/2003	6,642,051	Lynch et al.			
35.	07/06/2003	6,759,237	Wilson et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	36.	05/18/1995	WO 95/13365	WIPO				
	37.	09/23/1999	WO 99/47691	WIPO				
	38.	11/25/1999	WO 99/60146	WIPO				
	39.	05/18/2000	WO 00/28061	WIPO				
	40.	09/21/2000	WO 00/55342	WIPO				
	41.	11/02/2000	WO 00/65038	WIPO				
	42.	12/07/2000	WO 00/73480	WIPO				
	43.	12/07/2000	WO 00/73481	WIPO				
	44.	12/14/2000	WO 00/75353	WIPO				
	45.	12/14/2000	WO 00/75365	WIPO				
	46.	02/15/2001	WO 01/11034	WIPO				
	47.	04/05/2001	WO 01/23001	WIPO				
	48.	04/12/2001	WO 01/25462	WIPO				
	49.	04/12/2001	WO 01/25465	WIPO				
	50.	04/19/2001	WO 01/27303	WIPO				
	51.	11/08/2001	WO 01/83692	WIPO				

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DATE CONSIDERED:

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Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 226272003802

Application Number 09/909,363

Applicant

Andrew L. FELDHAUS

Filing Date July 19, 2001

Group Art Unit 1648

Hand Delivered on September 3, 2004

52.	11/08/2001	WO 01/83730	WIPO				
53.	01/23/2003	WO 03/006616	WIPO				
54.	03/31/2004	PCT/US2004/009950	WIPO				
55.	03/31/2004	PCT/US2004/010045	WIPO				

## OTHER DOCUMENTS (including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.